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Bill Track - List

Bills Passed

Run Time: Monday, Mar-24-2008, 04:47 PM

HB1001 State and local finance. (Crawford, Kenley)

Digest

Eliminates: (1) medical assistance to wards fund levies; (2) family and children's fund levies; (3) children's psychiatric residential treatment services fund levies; and (4) children with special health care needs county fund levies. Eliminates the hospital care for the indigent fund levy and a portion of the health and hospital corporation levy. Eliminates the statewide property tax levies imposed for the state forestry fund, the state fair, and department of local government finance (DLGF) data base management. Provides for the assumption by the state of the costs of child welfare services and incarcerating delinquent children in a department of correction facility. Makes related changes to procedures governing the adjudication of children as children in need of services or as a delinquent child. Provides that payment for child services shall be made not later than 60 days after the date the department of child services receives the service provider's invoice together with a properly prepared claim voucher and documentation. Provides for the assumption by the state of the amount previously raised by the hospital care for the indigent fund levy and a portion of the health and hospital corporation levy. Eliminates school corporation tuition support levies. Increases the state tuition distribution by the amount of the terminated tuition support levy. Creates the state tuition reserve fund. Abolishes the tuition support account in the state general fund. Requires a transfer of money from the state general fund to the state tuition reserve fund. Provides an additional supplemental standard deduction for homesteads. Provides additional homestead credits in 2008 of \$620,000,000. Provides that in a county that adopted a local option income tax (LOIT) in 2007, the county auditor, with the approval of the county fiscal body may petition the DLGF to permit a portion of the additional 2008 homestead credit to be used instead to increase the additional state funded homestead credit provided for 2009 or in both 2009 and 2010. Provides \$140,000,000 in homestead credits in 2009 and \$80,000,000 in homestead credits in 2010. Provides that a school corporation may not impose a special education preschool property tax levy after December 31, 2008. Requires the department of education to make distributions equal to the product of \$2,750 multiplied by the number of special education preschool children who are students in the school corporation. Increases the maximum amount of the state income tax deduction for renters from \$2,500 to \$3,000. Provides that an individual who owns a homestead with a gross assessed value of less than \$160,000 and who has adjusted gross income of \$30,000 (in the case of a single return) or \$40,000 (in the case of a joint return) is entitled to a property tax credit to the extent that property taxes on the individual's homestead increase by more than 2% from the prior year. Increases the deduction amount and the income threshold for the property tax deductions for senior citizens and for the blind or disabled. Repeals the expiration date for the state earned income tax credit. Provides that the maximum amount of the standard deduction is the lesser of \$45,000 or 60% of assessed value for 2009 and thereafter. Requires the DLGF to adopt rules or guidelines concerning the application for the standard deduction. Increases the sales and use tax rates from 6% to 7%. Adjusts distributions of sales tax and use tax so that new revenue from the rate increase is deposited in the state general fund. Reduces sales tax collection allowances for retail merchants. Beginning in 2009, abolishes property tax replacement credits, state homestead credits (except for the temporary homestead credits in 2009 and 2010), the property tax replacement fund, and the property tax reduction trust fund. Provides that revenues from sales tax, income tax, and certain wagering taxes formerly deposited in those funds are to be deposited in the state general fund. Provides that a county council may adopt an ordinance to allow a taxpayer to make installment payments of taxes due under a reconciling statement. Provides that for property taxes first due and payable in 2009, the

circuit breaker credit is equal to the amount by which a person's property tax liability attributable to the person's: (1) homestead exceeds 1.5%; (2) residential property exceeds 2.5%; (3) agricultural land exceeds 2.5%; (4) long term care property exceeds 2.5%; (5) nonresidential real property exceeds 3.5%; or (6) personal property exceeds 3.5%; of the gross assessed value of the property that is the basis for determination of the property taxes. Provides that for property taxes first due and payable in 2010 and thereafter, the circuit breaker credit is equal to the amount by which a person's property tax liability attributable to the person's: (1) homestead exceeds 1%; (2) residential property exceeds 2%; (3) agricultural land exceeds 2%; (4) long term care property exceeds 2%; (5) nonresidential real property exceeds 3%; or (6) personal property exceeds 3%; of the gross assessed value of the property that is the basis for determination of the property taxes. Specifies that property taxes imposed after being approved by the voters in a referendum or local public question shall not be considered for purposes of calculating the circuit breaker credit. Provides that for certain eligible counties, property taxes imposed to pay debt service or make lease payments for bonds or leases issued or entered into before July 1, 2008, shall not be considered for purposes of calculating the circuit breaker credit. Changes the membership of the distressed unit appeal board. Makes changes to the relief available from the distressed unit appeal board. Provides that the distressed unit appeal board may provide that some or all of the property taxes that are being imposed to pay debt and that would otherwise be included in the calculation of the circuit breaker credit shall not be included for purposes of calculating the credit. Authorizes a distressed political subdivision to petition the tax court for judicial review of a final determination of the distressed unit appeal board. Provides that political subdivisions are required to fully fund the payment of their debt obligations, regardless of any reduction in property tax collections due to the circuit breaker credit. Provides for a grant in 2009 and 2010 to replace a portion of the revenue lost to a school corporation from the application of the circuit breaker credit. Specifies that a school corporation is entitled to such a grant in a particular year only if it expects to lose more than 2% of its property tax revenue because of application of the circuit-breaker credits. Provides that a school bus replacement plan must apply to at least 12 years (rather than 10 years). Requires the state board of education to adopt administrative rules setting forth guidelines for the selection of school sites and the construction, alteration, and repair of school buildings, athletic facilities, and other categories of facilities related to the operation and administration of school corporations. Requires a school corporation to consider the guidelines and to submit proposed plans and specifications to the department of education. Requires the department of education to provide written recommendations to the school corporation, including findings as to any material differences between the plans and specifications and the guidelines. Requires the school corporation to have a public hearing on the plans and specifications. Requires the department of education to establish a central clearinghouse containing prototype designs for school facilities. Permits a school corporation to appeal to the department of local government finance to impose a shortfall levy to replace a shortfall in a tuition support levy imposed before 2009. Provides that beginning in 2010, the budget year for all school corporations shall be from July 1 of the year through June 30 of the following year. Effective July 1, 2008, transfers to the county assessor property assessment duties of township assessors in all townships in which the number of real property parcels is less than 15,000 and in townships in which there is a trustee-assessor. Requires a referendum to be held at the general election in 2008 in each township in which the number of parcels of real property on January 1, 2008, is at least 15,000. Provides that the referendum shall determine whether to transfer to the county assessor the assessment duties that would otherwise be performed by the elected township assessor of the township. Provides that a person who runs in an election after January 1, 2012, for the office of township assessor must have attained the certification of a level three assessor-appraiser before taking office. Establishes a procedure for removal from office of county assessors and township assessors who fail to adequately perform the duties of office. Amends the procedure to obtain a review by the county property tax assessment board of appeals. Provides that each appraiser that performs assessments on behalf of a county property assessment contractor must have a level two assessor-appraiser certification, and requires the DLGF to consider before approving the contract the contractor's experience, training, and

number of employees. Provides that the DLGF must be a party to appraisal and reassessment contracts. Specifies that after June 30, 2009, an employee of a county assessor who performs real property assessing duties must have attained the level of certification that the assessor is required to attain. Repeals the county land valuation commission and obsolete provisions. Provides that in 2009 and each year thereafter, the state pension relief fund shall pay to each unit of local government the total amount of pension, disability, and survivor benefit payments from the old police and firefighter funds by the unit. Provides that for property taxes first due and payable after December 31, 2008, the DLGF shall reduce the maximum permissible property tax levy of any civil taxing unit and special service district by the amount of the payment to be made in 2009 by the state for benefits to members (and survivors and beneficiaries of members) of the 1925 police pension fund, the 1937 firefighters' fund, or the 1953 police pension fund. Makes an appropriation to the pension relief fund. Provides that certain interest earned by the public deposit insurance fund continues to be used to pay local police and firefighter pensions through 2022. (Under current law, the interest would be used for this purpose through 2012.) Provides that for purposes of computing and distributing excise taxes or local option income taxes, the computation and distribution of the excise tax or local option income tax shall be based on the taxing unit's property tax levy as calculated before any reduction due to circuit breaker credits. Provides that the local government tax control board is not abolished. Provides that a capital project is a controlled project if it will cost the political subdivision more than the lesser of \$2,000,000 or an amount equal to 1% of the total gross assessed value of property within the political subdivision on the last assessment date (if that amount is at least \$1,000,000). Provides that a project that is in response to a natural disaster, emergency, or accident that makes a building or facility unavailable for its intended use and that is approved by the county council is not a controlled project for purposes of the referendum process. Provides that a controlled project for a school building for kindergarten through grade 8 is subject to a referendum if the cost is more than \$10,000,000. Provides that a controlled project for a school building for grade 9 through grade 12 is subject to a referendum if the cost is more than \$20,000,000. Provides that other controlled project with a cost that exceeds the lesser of \$12,000,000 or 1% of assessed value (but at least \$1,000,000) are also subject to a referendum. Specifies that it takes 100 persons who are either owners of real property within the political subdivision or registered voters residing within the political subdivision or 5% of the registered voters residing within the political subdivision to initiate such a referendum. Provides that controlled projects that are not subject to a referendum are subject to the petition and remonstrance process. Repeals provisions concerning: (1) the procedures for amending a resolution previously adopted by a redevelopment commission; and (2) locally funded property tax replacement credits in tax increment financing (TIF) allocation areas. Provides that certain property tax levy appeals are eliminated beginning in 2009. Provides that the levy appeal for increased costs to a civil taxing unit resulting from annexation, consolidation, or other extensions of governmental services is not eliminated. Allows such an appeal in the first year increased costs are incurred and the immediately succeeding four years, and makes the excessive levy for a year a permanent part of the unit's maximum permissible levy for succeeding years. Eliminates certain exceptions to the property tax levy limits. Provides that the exemptions from the property tax levy limits for certain taxes to fund a community mental health center or community mental retardation and other developmental disabilities center do not apply to a civil taxing unit that did not fund a community mental health center or community mental retardation and other developmental disabilities center in 2008. Specifies the method for determining the assessed value of certain agricultural land that has been strip mined. Makes other changes related to property tax assessment. Repeals the county boards of tax and capital projects review. Provides that review and approval by the DLGF are not required before a civil taxing unit may issue or enter into bonds, a lease, or any other obligation if the civil taxing unit's determination to issue or enter into the bonds, lease, or other obligation is made after June 30, 2008. Provides that after June 30, 2008, review and approval by the DLGF are not required before a civil taxing unit may construct, alter, or repair a capital project. Provides that in counties without a county board of tax adjustment, each civil taxing unit that imposes property taxes shall file with the fiscal body of the county in which the civil taxing is located: (1)

a statement of the proposed or estimated tax rate and tax levy for the civil taxing unit for the ensuing budget year; and (2) a copy of the civil taxing unit's proposed budget for the ensuing budget year. Provides that a county fiscal body shall issue a nonbinding recommendation to a civil taxing unit regarding the civil taxing unit's tax rate or levy or proposed budget. Provides that in the case of a taxing unit's governing body that does not consist of a majority of officials who are elected, the governing body may not issue bonds or enter into a lease payable in whole or in part from property taxes unless it obtains the approval of the city or town fiscal body or the county fiscal body (as applicable). Provides that review by the DLGF and approval by the DLGF are not required before a school corporation may issue or enter into bonds, a lease, or any other obligation if the school corporation's determination to issue or enter into the bonds, lease, or other obligation is made after June 30, 2008. Provides that after June 30, 2008, review by the DLGF and approval by the DLGF are not required before a school corporation may construct, alter, or repair a capital project. Prohibits, with respect to bonds payable from property taxes, special benefit taxes, or tax increment revenues, a local issuing body from: (1) issuing refunding bonds that have a repayment date that is beyond the maximum term of the bonds being refunded; or (2) using savings resulting from refunding bonds or surplus proceeds for any purpose other than to maintain a debt service reserve fund, repay bonds, or reduce levies. Requires the local issuing body to pay interest and principal on bonds on a schedule that provides for substantially equal installment amounts and regular payment intervals, with certain exceptions. Provides that (with certain exceptions) the maximum terms for property tax based obligations are: (1) the maximum applicable period under federal law for obligations issued to evidence loans under a federal program; (2) 25 years for TIF obligations; and (3) 20 years for other property tax based obligations. Specifies that the need for level principal payments over the term of the obligations, in order to reduce total interest costs, is an exception to the requirement that an agreement for the issuance of obligations must provide for the payment of principal and interest on the obligations in nearly equal payment amounts and at regular designated intervals over the maximum term of the obligations. Provides that certain decisions with respect to TIF allocation areas are to be made by the legislative or fiscal body of the city, town, or county instead of the redevelopment commission or are subject to the approval of the legislative or fiscal body. Provides that if TIF revenues of an allocation area have been decreased by a law enacted by the general assembly or by an action of the DLGF below the amount needed to make all payments on obligations payable from tax increment revenues, the governing body of the TIF district may: (1) impose a special assessment on the owners of property in an allocation area; (2) impose a tax on all taxable property in the TIF district; or (3) reduce the base assessed value of property in the allocation area to an amount that is sufficient to increase the tax increment revenues. Requires review of these actions by the legislative body of the unit that established the TIF district. Makes other changes related to TIF. Provides three additional options for the distribution of local option income tax for property tax replacement in Lake County. Provides that an individual may claim a deduction for state income tax purposes for property taxes that: (1) were imposed on the individual's principal place of residence for the March 1, 2006, assessment date or the January 15, 2007, assessment date; (2) are due after December 31, 2007; and (3) are paid in 2008 on or before the due date for the property taxes. Converts the 100% property tax deduction for inventory to an exemption by excluding inventory from the definition of personal property subject to property tax. Repeals property tax credits and exemptions applicable to inventory. Provides that counties receive CAGIT, COIT, and CEDIT distributions that would otherwise be lost as a result of the termination of certain levies. Provides that a check issued by a county for a refund of the additional 2007 homestead credit is void if the check is: (1) outstanding and unpaid for 180 days after it is issued; and (2) for an amount that is not more than \$10. Allows the county council or county income tax council to adopt before October 1 of a year an ordinance changing the purposes for which revenue attributable to the LOIT for property tax relief shall be used in the following year. Provides that a county auditor may not grant an individual or a married couple a standard deduction if the individual or married couple, for the same year, claims the deduction on two or more different applications for the deduction and the applications claim the deduction for different property. Provides that a co-op is considered a homestead for purposes of the standard deduction and

homestead credit. Provides that a civil taxing unit's levy appeal in a case where the civil taxing unit cannot carry out its governmental functions may be granted only if the civil taxing unit's inability to carry out its governmental functions is due to a natural disaster, an accident, or another unanticipated emergency. Provides that the local property tax replacement credit percentage for a particular year that is funded by a LOIT shall be based on the amount of tax revenue that will be used under the LOIT to provide local property tax replacement credits. Provides that a taxpayer that owns an industrial plant located in Jasper County is ineligible for a local property tax replacement credit against the property taxes due on the industrial plant if the assessed value of the industrial plant as of March 1, 2006, exceeds 20% of the total assessed value of all taxable property in the county on that date. Allows a school corporation to appeal to the DLGF for a new facility adjustment to increase the school corporation's tuition support distribution for the following year to pay increased costs to open: (1) a new school facility; or (2) an existing facility that has not been used for at least three years. Deletes the expiration date in the provision authorizing a school corporation to use money in its capital projects fund for utility services and insurance. Appropriates to the department of education from the state general fund \$10,000,000 for the state fiscal year beginning July 1, 2008, and ending June 30, 2009, to make new facility adjustment distributions that are approved by the department of local government finance. Provides that a school corporation does not need the approval of the school property tax control board or the DLGF before holding a referendum concerning a referendum tax levy. Provides that a school corporation may hold a referendum on whether a referendum tax levy should be imposed to replace property tax revenue that the school corporation will not receive because of the application of the circuit breaker credit. Provides that in counties other than Marion County, if the percentage increase in the proposed budget for a civil taxing unit with an unelected governing body for the ensuing calendar year is greater than the growth allowed under the assessed value growth quotient, the governing body of the civil taxing unit must submit its proposed budget and property tax levy for approval by the county fiscal body or municipal fiscal body. Provides that budgets, levies, and bond issues for taxing units in Marion County with an unelected board must be approved by the city-county council. Provides that if a township assessor determines that the township assessor has made an error concerning: (1) the assessed valuation of property; (2) the name of a taxpayer; or (3) the description of property; in an assessment, the township assessor shall on the township assessor's own initiative correct the error. Provides that if such a correction results in a reduction in an assessment, the taxpayer is entitled to a credit on the taxpayer's next tax installment. Requires a township board to consider certain factors when determining whether a fire and emergency services need exists requiring the expenditure of money not included in the township's budget estimates and levy. Requires the DLGF to report to the commission on state tax and financing policy (CSTFP) regarding: (1) the possibility of eliminating the existing method of assessing and valuing property for the purpose of property taxation; and (2) the use of alternative methods of valuing property for the purpose of property taxation. Requires the CSTFP to study those issues and report to the legislative council. Requires the CSTFP to study the following issues and report to the legislative council: (1) Whether it is reasonable and appropriate to require all counties to use the state-designed software system. (2) Alternative methods for distribution of local option income taxes. (3) The possible elimination of property taxation of homestead property. Provides that a taxpayer that receives a tax statement or a provisional tax statement for the first installment of property taxes based on the assessment date in 2007 and first due and payable in 2008 may appeal the assessment by filing a notice in writing with the proper assessing official not later than the later of 45 days after the tax statement (or reconciling statement) is given to the taxpayer or July 1, 2008. Provides that the county auditor's annual statement to political subdivisions and the DLGF for counties with taxing units that cross into or intersect with other counties must include the assessed valuation as shown on the most current abstract of property. Adjusts the maximum property tax rates for county cumulative capital development funds and for municipal cumulative capital development funds to reflect the change from 33.33% to 100% of true tax value. Provides that a county council or county income tax council may in 2008 adopt or increase a LOIT for property tax relief or public safety at any time before January 1, 2009. Provides that a county council or

county income tax council may not adopt an ordinance determining that LOIT revenue shall be used to provide local property tax replacement credits at a uniform rate to all taxpayers in the county unless the county council or county income tax council has: (a) made available the county council's best estimate of the amount of property tax replacement credits to be provided to various classes of property; and (b) adopted a resolution or other statement acknowledging that some taxpayers in the county that do not pay the LOIT will receive a property tax replacement credit that is funded with LOIT revenue. Requires a county council or county income tax council to hold at least one public meeting each year at which the county council or county income tax council discusses whether the LOIT for levy replacement should be imposed or increased. Provides that a copy of a completed case plan concerning a child in need of services or a child adjudicated as a delinquent shall be sent to an agency having the legal responsibility or authorization to care for, treat, or supervise the child. Indicates that the certain assessment system software and hardware standards apply to all assessment system software and hardware rules and standards adopted by the DLGF. Provides for the distribution to the legislative services agency of policy documents provided to local taxing officials. Requires written standards for the operation and management of a property tax data base system. Authorizes the DLGF to adopt temporary rules to revise its rules establishing standards for computer systems used by Indiana counties for the administration of the property tax assessment, billing, and settlement processes. Requires employers to report to the department of state revenue the amount of withholdings attributable to local income taxes each time the employer remits to the department the tax that is withheld. Requires an individual filing an estimated tax return to designate the portion of the estimated tax payment that represents state income tax liability and the portion of the estimated tax payment that represents local income tax liability. Provides that if an individual requests the payor of a distribution to withhold taxes from the distribution, the individual must designate the portion of the withheld amount that represents state income tax liability and the portion of the withheld amount that represents local income tax liability. Requires the department of state revenue and the office of management and budget to develop certain reports related to local option income taxes. Requires the department of revenue to develop a system of crosschecks between annual withholding tax reports and individual taxpayer W-2 forms. Requires the office of management and budget to submit an informative summary of certain calculations related to the certified distribution of local income taxes to the county council and requires certain information to be included in the informative summary. Makes other changes. Makes appropriations.

HB1042 *Intent to sell sexually explicit materials.* (Goodin, Steele)

Digest

Requires a person that intends to offer for sale or sell sexually explicit materials to register and file a statement with the secretary of state. Imposes a \$250 filing fee and requires the secretary of state to notify certain local officials of the county in which the person locates the business. Provides that a person that offers for sale or sells sexually explicit materials without registering and filing the statement commits a Class B misdemeanor.

HB1052 *Motorist duties at an accident and operating while intoxicated.* (Neese, Riegsecker)

Digest

Requires an examination for a learner's permit to test the applicant's knowledge of the duty to stop and provide assistance. Provides that the law requiring a driver involved in an accident to stop at the accident scene, notify the appropriate law enforcement agency, and render reasonable assistance applies if the accident results in the entrapment of a person in a vehicle. (Under current law, the law applies only if the accident results in the injury or death of a person.) Provides that if the driver is physically incapable of notifying the appropriate law enforcement agency or rendering reasonable assistance, the duty to notify or to render reasonable assistance is imposed on a passenger in the driver's vehicle who is capable of discharging the duty if the passenger is: (1) at least 15 years of age and holds a learner's permit or

driver's license; or (2) at least 18 years of age. Provides that a passenger commits a Class C misdemeanor if the passenger fails to notify or to render reasonable assistance when the duty is imposed upon the passenger. Provides that a person who knowingly, intentionally, or recklessly violates the law requiring a driver or a passenger to take certain actions at the scene of an accident commits a Class C misdemeanor, and provides that a passenger is immune from civil liability for providing emergency care. Specifies that felony resisting law enforcement and operating while intoxicated (OWI) causing serious bodily injury are crimes of violence. Makes OWI committed by a person with a previous conviction for OWI causing death, serious bodily injury, or with a minor in the vehicle a Class C felony. Permits a court to require a license suspension imposed as the result of a conviction for operating while intoxicated to be imposed before or after, or both before and after, any period of incarceration. Makes leaving the scene of an accident after committing operating while intoxicated causing serious bodily injury a Class B felony.

HB1074 *Disarming a law enforcement officer.* (Day, Charbonneau)

Digest

Makes it a Class C felony if a person knows that another person is a law enforcement officer or other officer required to carry a firearm and the person knowingly or intentionally takes or attempts to take a firearm or weapon from the officer or from the immediate proximity of the officer without the consent of the officer and while the officer is engaged in the performance of his or her official duties. Enhances this crime to a Class B felony if the officer is injured and a Class A felony if the officer dies or if the officer is injured and a firearm was taken. Allows a court to suspend only that part of a sentence that is in excess of the minimum sentence imposed on a person convicted of disarming a law enforcement officer.

HB1096 *Various provisions concerning courts.* (Hoy, Bray)

Digest

Allows a petition for a hardship driving license to be filed in the superior court of the county in which the petitioner resides. (Under current law the petition can be filed only in the circuit court of the county in which the petitioner resides.) Provides, however, that if at the time a petition for a hardship driving license is filed: (1) the petitioner is a defendant in a pending case concerning the operation of a vehicle while intoxicated; (2) the petitioner is on probation after being convicted of operating a vehicle while intoxicated; or (3) the petitioner's driving privileges have been suspended after the petitioner was convicted of committing a controlled substance offense; the petition may be filed only in the circuit court or superior court in which the case is pending or the petitioner was convicted. Removes references to the clerk of the supreme court from statutes concerning: (1) compensation of elected officials; and (2) annual economic interest statements filed by judicial officers or candidates for judicial office who are subject to election or a retention vote. (As of January 1, 2007, the clerk of the supreme court ceased being a statewide elected office and is now appointed by the chief justice.) Provides that the powers of a magistrate include the power to enter a final order or judgment: (1) in a proceeding involving the small claims docket of the court; and (2) concerning protective orders to prevent domestic or family violence. Adds a second judge to the Franklin circuit court as of January 1, 2009. Abolishes the Franklin circuit court magistrate as of January 1, 2009. Abolishes the Madison county court on January 1, 2009. Increases the number of judges serving on the Madison superior court from three judges to five judges on January 1, 2009. Makes the two persons elected Madison county court judges on November 4, 2008, the fourth and fifth judges of the Madison superior court. Adds a second judge to the Miami superior court as of January 1, 2009. Provides that as of January 1, 2009: (1) the Ohio County and Switzerland County joint superior court is abolished; (2) the Jefferson County and Switzerland County joint fifth judicial circuit is abolished; and (3) Jefferson County constitutes and continues in the fifth judicial circuit and Switzerland County constitutes a new ninety-first judicial circuit. Makes transitional and conforming amendments. Allows the judge of the Dearborn and Ohio circuit court to appoint one full-time magistrate. Prohibits the state from paying any amount of the salary of a chief deputy prosecuting attorney appointed

by the prosecuting attorney for the Switzerland County ninety-first judicial circuit. Allows the judge of the St. Joseph probate court to appoint three full-time magistrates instead of one.

HB1113 *Birth certificate fraud.* (Dembowski, Bray)

Digest

Increases from a Class A misdemeanor to a Class D felony the penalty for: (1) making a false or fraudulent statement when applying for a birth certificate or when applying for permission to inspect birth records; (2) altering, counterfeiting, or mutilating a certified copy of a birth certificate; or (3) using an altered, counterfeit, or mutilated copy of a birth certificate.

HB1122 *Juvenile offenders and detention facilities.* (Reske, Bray)

Digest

Provides that the juvenile law does not apply to a child who: (1) is alleged to have committed a crime that would be a felony if committed by an adult; and (2) has previously been waived to a court having felony jurisdiction. (Under current law, the juvenile law does not apply to felonies and misdemeanors committed under these circumstances.) Provides that the juvenile law applies to a child who allegedly committed a violation of certain traffic laws. Provides that a juvenile court does not have jurisdiction over an alleged violation of a child charged with carrying a handgun without a license or dangerous possession of a firearm as a felony. Provides that a juvenile court may waive jurisdiction if a child is charged with certain acts that are felonies (rather than felonies and misdemeanors). Provides that any facility that is used or has been used to house or hold juveniles shall give the Indiana criminal justice institute access to inspect and monitor the facility.

HB1144 *Failure to report a dead body.* (Pelath, Steele)

Digest

A person who discovers or has custody of the body of a deceased person and who knowingly or intentionally fails to report the dead body to a public safety officer, coroner, physician, or 911 telephone call center within three hours of finding the body, when it appears the deceased person died by violence, suicide, accident, or under certain other suspicious or unusual circumstances, commits failure to report a dead body, a Class A misdemeanor. Provides that the reporting requirement does not supersede any law governing the reporting of a death by a hospital, health care facility, or provider.

HB1165 *Homeless children, foster youth, and education.* (Avery, Becker)

Digest

Requires the Indiana housing and community development authority (authority) to: (1) oversee and encourage a regional homeless delivery system; (2) facilitate the dissemination of information to assist individuals and families in accessing local resources, programs, and services related to homelessness, housing, and community development; and (3) determine the number of homeless individuals, including homeless children, in Indiana, and the number of homeless in Indiana who are not residents of Indiana. Extends the authority's power to coordinate and establish linkages between governmental and social services programs to include individuals or families facing or experiencing homelessness. Requires the department of education (department) to establish an office of coordinator for education of homeless children. Requires each school corporation to: (1) appoint a liaison for homeless children (liaison); and (2) report to the department the contact information for the liaison. Requires the department to train new liaisons. Requires each school corporation that has an Internet web site to publish on the web site the contact information for the liaison. Requires certain school corporations to transport a student in foster care to and from the school in which the student was enrolled before receiving foster care. Requires, after June 30, 2009, each school corporation to provide tutoring for a child who is in foster care or who is homeless if the school corporation determines a child has a demonstrated need for tutoring. Requires the

department of child services (DCS) to promote sibling visitation for every child who receives foster care. Allows a sibling or certain other individuals to request sibling visitation if one of the siblings is receiving foster care. Requires DCS to allow sibling visitation if it is in the best interests of the child receiving foster care. Provides that if DCS denies a request for sibling visitation, a child's guardian ad litem or court appointed special advocate may petition a juvenile court for sibling visitation. Requires a court to grant sibling visitation if the court determines sibling visitation is in the best interests of the child who receives foster care. Permits a court to appoint a guardian ad litem or court appointed special advocate if a child requesting sibling visitation is receiving foster care. Provides that a child may receive shelter and services or items directly related to providing shelter for homeless or low income individuals without the approval of a parent, guardian, or custodian. Requires an emergency shelter or shelter care facility to notify DCS not later than 24 hours after a child enters the shelter or facility unless the child is an emancipated minor. Requires DCS to: (1) conduct an investigation concerning the child not later than 48 hours after DCS receives notification; and (2) notify the child's parent, guardian, or custodian not later than 72 hours after the child enters the shelter or facility. Prohibits DCS from notifying the child's parent, guardian, or custodian as to the specific shelter or facility the child has entered if DCS has reason to believe the child is a victim of child abuse or neglect. Allows a student who has resided in a school corporation for at least two consecutive years immediately before moving to an adjacent school corporation to attend school in the former school corporation without transfer tuition being charged if the principal and superintendent in both school corporations agree. Prohibits a student to enroll primarily for athletic reasons in a school in a school corporation where the student does not have legal settlement. (The introduced version of this bill was prepared by the interim study committee on missing children.)

HB1259 *Child safety and CHINS.* (VanDenburgh, Becker)

Digest

Requires certain above ground swimming pools to be sold with an access ladder or steps that may be: (1) secured and locked; or (2) removed. Requires the department of child services to provide notice to certain individuals seven days before a periodic case review for a child in need of services. (Current law requires the department to send notice ten days before the periodic case review.)

HB1271 *Inmate credit time.* (Stemler, Sipes)

Digest

Prohibits an offender from earning credit time for a high school diploma if the offender has previously obtained a general educational development (GED) diploma. Prohibits an offender from earning credit time for a GED diploma if the offender has previously obtained a high school diploma. Creates department of correction credit Class IV for felons convicted of certain serious child molesting offenses and certain murders involving sex offenses. Specifies that persons in credit Class IV earn one day of credit for each six days of incarceration. Provides that persons in credit Class IV may be placed in a credit class where they earn no credit, but may not be placed in a credit class where they earn more credit.

HB1276 *Bail.* (Pflum, Paul)

Digest

Defines "sexually violent predator defendant" as a person charged with the commission of a sex or violent offense who is a sexually violent predator. Allows a: (1) sexually violent predator defendant; (2) person charged with child molesting; and (3) person charged with child solicitation; to be released on bail only after a hearing in open court, and requires a court releasing one of these persons on bail to consider whether certain statutory factors warrant exceeding applicable court or county bail guidelines. Requires a bail hearing to be held within 48 hours unless exigent circumstances prevent the hearing from being held within 48 hours.

SB0010 *Inmate fraud.* (Steele, L. Lawson)

Digest

Permits the department of correction to freeze all or a portion of an inmate's account while investigating whether the inmate has committed inmate fraud or while a criminal case involving inmate fraud is pending against the inmate. Requires the department to return money in the inmate's account to the rightful owner if the inmate is convicted, and specifies that the money will be deposited in the violent crime victims compensation fund if the rightful owner cannot be located. Makes it inmate fraud, a Class C felony, for an inmate to, with the intent of obtaining money or other property from a person who is not an inmate, knowingly or intentionally: (1) make a misrepresentation to a person who is not an inmate and obtain or attempt to obtain money or other property from the person who is not an inmate; or (2) obtain or attempt to obtain money or other property from the person who is not an inmate through a misrepresentation made by another person. Authorizes the disclosure of certain information to a person who is or may be the victim of inmate fraud.

SB0027 *Cooling off period for domestic battery.* (Arnold, L. Lawson)

Digest

Requires a facility having custody of a person arrested for a crime of domestic violence to keep the person in custody for at least eight hours from the time of the arrest, and prohibits a person arrested for a crime of domestic violence from being released on bail during the eight hour period.

SB0117 *Parole issues.* (Charbonneau, L. Lawson)

Digest

Provides that a parolee may be responsible for the reasonable expenses of participating in a program required as a condition of parole, and removes a requirement that parole discharge papers be forwarded to the sentencing court. (The introduced version of this bill was prepared by the sentencing policy study committee.)

SB0118 *DOC superintendent qualifications.* (Boots, Dembowski)

Digest

Allows a person who does not hold at least a bachelor's degree to serve as a superintendent in the department of correction (DOC) if the person has specified levels of experience. (The introduced version of this bill was prepared by the sentencing policy study committee.)

SB0139 *Violation of probation and home detention.* (Bray, Foley)

Digest

Specifies that a court may impose one or more sanctions on a probationer who violates the conditions of probation or home detention during the probationary period. Provides that an offender who is placed on home detention and who resides in a county adjacent to the county in which the sentencing court is located may be supervised by a community corrections program or probation department located in the county in which the sentencing court is located. Specifies that a probation department or community corrections program that supervises an offender on home detention is responsible for the expenses of the supervision.

SB0157 *Opioid treatment programs.* (Miller, Stemler)

Digest

Changes the term "methadone treatment" to "opioid treatment" for purposes of the law concerning certification of opiate addiction treatment facilities. Requires approval and certification for each location that an opioid treatment program is operated. Requires an opioid treatment program to: (1) periodically

and randomly test a patient for the use of specified drugs; and (2) take certain actions if the drug test is positive for an illegal drug other than the drug being used for the patient's treatment. Requires the division of mental health and addiction to adopt rules on: (1) standards for operation of an opioid treatment program; (2) a requirement that the opioid treatment facilities submit a current diversion control plan; and (3) fees to be paid by an opioid treatment facility. Requires the division to create a central registry and prepare a biennial report. Specifies violations and penalties. Repeals the expiration of current law requiring a methadone diversion control and oversight program. (The introduced version of this bill was prepared by the health finance commission.)

SB0207 *Public records and criminal offenders.* (Walker, L. Lawson)

Digest

Provides that a public agency may deny public records requests made by a person incarcerated in a correctional facility if the requested public records: (1) contain personal information concerning a correctional officer, crime victim, or family member of a correctional officer or crime victim; or (2) relate to the security of a jail or correctional facility. (The introduced version of this bill was prepared by the sentencing policy study committee.)

SB0227 *Domestic violence and invasion of privacy.* (Becker, L. Lawson)

Digest

Renames the "sexual assault standards and certification board" as the "sexual assault victims advocate standards and certification board" and moves control of the board to the criminal justice institute from the department of workforce development. Moves the sexual assault victims assistance account and all balances and encumbrances to the criminal justice institute from the department of workforce development. Removes the executive director of the commission for women from membership on the commission and adds representatives of the office of family and social services and state department of health as members. Provides that victim advocates and victim services providers may not give testimony, produce records, or disclose certain confidential communications and confidential information without the victim's consent. Provides that a victim may not be forced to consent to the disclosure of confidential information in order to receive services. Requires a victim to be notified if confidential information is disclosed. Makes certain information obtained as part of an application for certain gaming licenses confidential. Allows a court: (1) to prohibit a defendant who has not been released from lawful detention from contacting a particular individual; and (2) to require, as a part of a person's executed sentence, that the person refrain from contact with a particular individual. Makes it a Class A misdemeanor to contact a particular individual in violation of: (1) a prohibition imposed on a defendant while in lawful detention; or (2) a requirement imposed as a condition of an executed sentence. Makes conforming changes. Repeals provisions being superseded by this bill.

SB0258 *Duties of parole board and DOC; sex offenders and schools.* (Waterman, V. Smith)

Digest

Requires the parole board to review the sentence of a long term inmate who has not been convicted of a violent offense to determine whether the inmate has been rehabilitated and has suitable plans that would warrant discharge from custody, and requires the department of correction to assist the parole board by identifying certain long term inmates to the parole board and providing certain other information. Specifies that an inmate whose review is denied by the parole board may seek a later review. Requires such an inmate released by the parole board to be placed on parole. Allows a court to: (1) send copies of certain reports relating to the conviction of an individual to the department; and (2) certify copies of judgments of conviction and sentences to receiving authorities; through any electronic means approved by the department. Requires the department to allow certain inmates to have Internet access to web sites that contain employment information in the 90 day period before an inmate is discharged, released on

parole, released on probation, or assigned to a community transition program, and requires the department to provide Internet training and employment counseling. Provides that GPS monitoring for certain sex offenders is mandatory after June 30, 2009, and authorizes the parole board to require GPS monitoring before July 1, 2009. Requires a sex or violent offender to report the offender's electronic mail address and certain Internet usernames. Makes it a Class A misdemeanor for a sex offender to use a social networking Internet web site or an instant messaging or chat room program that the offender knows is frequented by children. Makes committing an offense against a person with a disability an aggravating circumstance for sentencing purposes if the defendant knew or should have known that the victim was a person with a disability. Provides that, as a condition of probation or parole, a sex offender: (1) must consent to the search of the sex offender's personal computer at any time; (2) must permit installation on the sex offender's personal computer or device with Internet capability of hardware or software to monitor the sex offender's Internet usage; (3) must be prohibited by a probation or parole officer from using or accessing certain web sites, chat rooms, or instant messaging programs frequented by children; and (4) may not delete, erase, or tamper with information on the sex offender's personal computer that relates to prohibited Internet usage. Requires a school corporation to include a mandatory instructional unit on safely using the Internet for grades 3 and above. Specifically provides that law enforcement officials may seize computers, cellular telephones, and other equipment used to commit or facilitate, or intended to be used to commit or facilitate, sex crimes. Makes it a Class B misdemeanor for certain persons at least 21 years of age to knowingly or intentionally communicate concerning sexual activity with a child less than 14 years of age with the intent to gratify the sexual desires of the person or the child. Enhances the offense to a Class A misdemeanor if it is committed by means of a computer network. Specifies that the sex or violent offender registration period is not restarted based on the offender's commission of a subsequent offense.

SB0281 *Convictions and elections.* (Mrvan, Drozda, L. Lawson)

Digest

Reconciles certain inconsistent provisions in current law regarding: (1) the definition of "felony"; and (2) when a certified copy of the sentencing order issued in connection with the removal of a public officer must be filed.

SB0305 *Controlled substances.* (Steele, Tyler)

Digest

Adds certain controlled substances to the list of schedule I, schedule II, schedule III, schedule IV, and schedule V controlled substances. Corrects the spelling of certain other controlled substances.

SB0329 *Judges' pensions.* (Kruse, VanHaften)

Digest

Allows a person serving as a full-time magistrate on July 1, 2010, and requires a person who begins serving as a full-time magistrate after that date, to become a participant in the judges' 1985 benefit system (1985 system). Allows under certain conditions a judge who is a participant in the 1985 system to transfer to the 1985 system service credit earned as a full-time referee, commissioner, or magistrate after leaving a position covered by the 1985 system. Allows under certain conditions a magistrate who is a participant in the 1985 system to purchase, at full actuarial cost, service credit for service earned in the public employees' retirement fund as a full-time magistrate, referee, or commissioner. For certain participants in the 1985 system who apply for a retirement benefit after December 31, 2009, bases the computation of the annual retirement benefit on the salary being paid for the office that the participant held at the time of the participant's separation from service. (Currently, the computation is based on the salary being paid to the participant at the time of the participant's separation from service.) Provides that benefit increases paid after December 31, 2009, to a participant in the 1985 system who applies for a

retirement benefit before January 1, 2010, or to certain terminated vested participants, are equal to the percentage by which the salary being paid for the office that the participant held at the time of the participant's separation from service increases. Increases the court administration fee from \$3 to \$5, and directs that the additional amount be paid into the judges' retirement fund, except for the additional amount collected by the Marion County small claims courts, which must be used to fund the small claims courts' operations. Assigns to the commission on courts the study of the selection process for St. Joseph County judges. (The introduced version of this bill was prepared by the pension management oversight commission.)

SB0343 *Theft of copper and other valuable metals.* (Tallian, Day)

Digest

Requires the sentencing policy study committee to study issues related to the theft of copper, including the effectiveness of recent statutory changes and the need to educate valuable metal dealers about new requirements for purchasing copper and other valuable metals.